

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JAMES LEE POLK §
VS. § CIVIL ACTION NO. 1:23cv446
DIRECTOR, TDCJ-CID §

MEMORANDUM OPINION AND ORDER REGARDING VENUE

Petitioner James Lee Polk, an inmate confined in the Smith Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed what has been construed as a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254.

Discussion

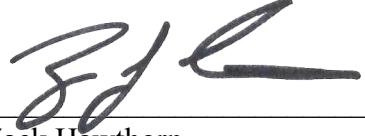
Petitioner complains of a criminal conviction in Dallas County, Texas. Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring a petition for writ of habeas corpus in the federal judicial district in which he was convicted or in the district where he is incarcerated. In addition, Section 2241(d) provides that a district court in the exercise of its discretion may transfer the action to another district in the furtherance of justice.

Petitioner was convicted in Dallas County, Texas. Pursuant to 28 U.S.C. § 124, Dallas County is located in the Dallas Division of the United States District Court for the Northern District of Texas. Petitioner is incarcerated at the Smith Unit, which is in Dawson County, Texas. Dawson County is in the Lubbock Division of the Northern District. As a result, venue in this court is not proper.

All records and witnesses involving this action and the underlying criminal conviction may be located in the Dallas Division of the Northern District of Texas. As a result, the court is of the opinion that the transfer of this action to such division and district would further justice. It is therefore

ORDERED that this case is **TRANSFERRED** to the Dallas Division of the United States District Court for the Northern District of Texas.

SIGNED this 17th day of January, 2024.



Zack Hawthorn
United States Magistrate Judge